



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

November 3, 2004

Re: Notification of the Availability of the General Permit for Groundwater Remediation and Miscellaneous Surface Water Discharges and Request for Certification of Existing Applications

Dear Sir or Madam,

You are receiving this letter because you own or operate a site or facility for which EPA-New England (EPA-NE) previously issued a National Pollution Discharge Elimination System (NPDES) permit waiver, or "NPDES exclusion letter." This letter has two purposes: to notify you of a recently proposed general permit and to request certification of the status of related NPDES applications received to date. The requirements described in this letter and enclosures update and amend any and all active NPDES exclusion letters.

First, EPA-NE is notifying you that we recently **proposed** the Remediation General Permit (RGP). The RGP is designed for the most common types of surface water discharges found at **contaminated groundwater remediation** sites. Additionally, it will cover **contaminated construction dewatering** and a number of other miscellaneous **discharges where petroleum products (gasoline and oils), solvents, or metals** are the pollutants of primary concern. See Enclosure 1 for a copy of the Notice of Availability for the draft RGP that was published in the Federal Register on November 2, 2004. The public comment period closes on December 17, 2004.

After the RGP is finalized, owners/operators currently operating under a previously issued NPDES exclusion letter will need to submit either a Notice of Intent (NOI), to be covered under the RGP, or application Forms 1 & 2C for coverage under an individual NPDES permit. See Enclosure 2 for deadlines, application options, and the location of the appropriate forms. We strongly encourage you to seek coverage for your discharge under the RGP when it is finalized.


Please note that after EPA-NE issues the final general permit in the coming months, the NPDES program at EPA-NE will no longer issue NPDES permit waivers. Rather, an EPA On-Scene Coordinator will be able to issue an exclusion where it is deemed necessary pursuant to 40 CFR Part 300 (the National Oil and Hazardous Substances Pollution Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances).

The second reason for this letter is to request certification of the status of previously submitted NPDES applications. If you have previously submitted a NPDES application for activities, EPA-NE requests that you identify which type of permit coverage (i.e., general or individual) you would like to pursue. EPA-NE also requests that you certify whether the information contained in the previous application is still accurate. If only minor changes have been made to the site/facility since the application was submitted, the enclosed certification form may substitute for the NOI for any facility wishing to transfer to the RGP. Where significant changes have occurred, the owner or operator will need to submit an updated application or NOI. If activities covered under an exclusion letter have been completed, the owner of a facility may submit a Notice of Termination (NOT) or simply indicate the terminated status on the certification form.

Please fill out and mail the enclosed certification form within **30 days** of the date that EPA finalizes the permit (i.e., the effective date of the permit that will be indicated in the forthcoming final permit notice).

Thank you in advance for your cooperation in this matter. Please contact Steve Rapp of my staff, at 617-918-1551, or Rapp.Steve@EPA.GOV, if you have any questions or visit EPA-NE's website to download the proposed permit and factsheet. For dischargers in Massachusetts, see: <http://www.epa.gov/ne/npdes/mass.html>. For dischargers in New Hampshire, see: <http://www.epa.gov/ne/npdes/newhampshire.html>.

Sincerely,



Roger A. Janson, Director
NPDES Permits Unit (CPE)

Enclosures

cc: Paul Hogan, MA DEP
George Berlandi, NH DES

Enclosure 2: Requirements for Facilities Covered by NPDES “Exclusion Letters”

After EPA-NE finalizes the Remediation General Permit, sites/facilities currently operating under previously issued National Pollution Discharge Elimination System (NPDES) permit waivers, or “**NPDES exclusion letters**,” will need to be covered by either the RGP or an individual NPDES permit. The one exception to this will be where an EPA On-Scene Coordinator issues an exclusion letter pursuant to 40 CFR Part 300 (the National Oil and Hazardous Substances Pollution Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances).

The following table summarizes the NPDES application options and deadlines for those sites:

Type of Site/Facility	Application Options (choose one)	Deadlines
1. Existing Discharge With Complete Application for an Individual NPDES Permit at EPA	a. Certify that previous application is still accurate and choosing coverage under RGP ¹ .	30 days from final permit effective date
	b. Certify that previous application is still accurate and choosing coverage under an individual NPDES permit.	
	c. Certify that previous application is no longer accurate and submit NOI for coverage under RGP.	
	d. Certify that previous application is no longer accurate and update & submit NPDES application Forms 1 & 2C for coverage under an individual NPDES permit.	
2. Existing Discharge Without a Complete Individual NPDES Permit Application at EPA	a. Submit NOI for coverage under the RGP.	30 days from final permit effective date
	b. Submit NPDES application Forms 1 & 2C for coverage under an individual NPDES permit.	
3. New Dischargers	a. Submit NOI for coverage under the RGP.	a. 14 days prior to discharge
	b. Submit NPDES application Forms 1 & 2C for coverage under an individual NPDES permit.	b. 180 days prior to discharge
4. Terminated Discharges	a. Submit certification indicating project completion.	30 days from final permit effective date
	b. Submit NOT indicating project completion.	

For NPDES application forms and/or the suggested NOI and NOT forms, go to EPA-NE’s website at: http://www.epa.gov/ne/npdes/epa_attach.html. Alternatively, for a paper copy of the application, NOI or NOT forms, please check the appropriate box on the attached certification form.

¹ The signed certification form (attached) may substitute for an NOI for any facility choosing to be covered by the new RGP provided that only minor administrative or technical changes have been made since the initial submission of the application and a description of those changes are included with the certification.